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RHEBAAA/DEPT OF ENERGY WASHINGTON DC  
RHEHNSC/NSC WASHINGTON DC  
RUEAIIA/CIA WASHINGTON DC  
RUEKDIA/DIA WASHDC  
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S E C R E T SECTION 01 OF 03 ABUJA 000911

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DOE FOR CAROLYN GAY

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TAGS: [PGOV](#) [KDEM](#) [NI](#) [ELECTIONS](#)  
SUBJECT: NIGERIA: SUGGESTIONS ON FUTURE POLICY

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Classified By: Ambassador John Campbell for reasons 1.4 (b) & (d).

11. (S) Summary: In the aftermath of Nigeria's deeply flawed 2007 elections, we need to consider how best to engage with the future Yar'adua government. Post suggests that the USG should reaffirm its commitment to electoral reform in Nigeria, publicly support the electoral tribunals and other judicial means of electoral dispute resolution, and pursue a quiet style of engagement with the Nigerian government, perhaps until after the electoral tribunals have completed their work. End summary.

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BACKGROUND  
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12. (S) A consortium of civil society, organized labor and opposition parties has thus far failed to mount massive public protests over the April 14 and April 21 elections, despite strong rhetoric condemning their conduct and demanding new polls. Instead, the failure of the 2007 elections has led to accelerated violence in the Delta. There have been two audacious and tactically sophisticated attacks on the Chevron offshore facilities and a nearly identical attack on AGIP, all of which resulting in the seizure of expatriate hostages by militants. Oil pipelines are being cut on an almost daily basis. Nigeria's oil output may be down some 750,000 bpd due to the unrest. The hostage-takers have said that their demands are strictly political: to embarrass the outgoing and incoming government. A spokesman for MEND promised to release the Chevron hostages on May 30 "if there is no effort to negotiate or pay ransom." The latter point is made, apparently, to underscore the "political" as opposed to "mercenary" aspect of the operation. Meanwhile, the Nigerian public appears apathetic and disillusioned with the political process, but also powerless to do anything about it. The military is certainly watching closely, but there is little sign of active coup plotting.

13. (C) The Ambssador has delivered the message in the Department's April 27 public statement about the unsatisfactory nature of the elections, the need to pursue redress of electoral grievances in the court system, and the unacceptability of violence to Governor Yar'Adua, Governor

Saraki, Minister of the Federal Capital Territory El Rufai, Minister of State for Aviation Femi Fani Kayode, Presidential Political Advisor Osuntokun, and opposition leader General Buhari. The Mission has delivered the same message to Senator Ben Obi, Atiku Abubakar's running-mate. (Atiku has not yet returned to Nigeria.)

14. (C) Yar'Adua professed himself "delighted" with our April 27 statement when he met with the Ambassador, and affirmed the need to reform the elections process from top to bottom. All of the Mission's interlocutors claim to abhor violence and pledge to seek redress for electoral wrongs through the courts. Most do not even try to defend what is widely seen as an indefensible election, and instead say that though the election was rigged, the good news is that on May 29 one civilian will succeed another, and the presidency will revert to the North, meeting a fundamental demand of that region's establishment. Buhari says his party will go to court, but he will not; he also is taking no leading role that we can see in mobilizing civil society. In short, as of right now, opposition to the elections is happening either through the courts or by violence in the Delta; there is no peaceful, mass movement calling for new elections, though one may subsequently appear. And our government interlocutors are by and large telling us everything they know we want to hear.

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A WAY FORWARD  
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15. (C) Though the 2007 elections failed, other, more encouraging, aspects of Nigeria's democratic development remain, especially the growing independence of the judiciary and greater assertiveness by the incumbent National Assembly.

Nigeria remains an indispensable U.S. partner on a host of regional and continental issues and is one of our major

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suppliers of imported petro-chemicals. Our goal of a democratic Nigeria governed by the rule of law remains as valid as ever, despite the 2007 elections fiasco. Continued engagement with the Nigerian government is a necessity. But, so, too, is continued engagement with Nigerian civil society and the opposition, both of which are likely to be disappointed with what they regard as our hitherto muted response to the failed elections.

16. (S) One of the key elements of our policy towards Nigeria must be to express our displeasure with the conduct of the 2007 elections. Treating the April polls as simply business-as-usual will only breed more of the same in the future. Already, the election tribunals and upcoming local government elections are shaping up to be less than satisfactory. The USG should consider downplaying our participation in inaugural events. Instead of a high-level Washington delegation, the U.S. representative at the inauguration could be the Ambassador in Abuja. By minimizing our participation, we could send the message that the election was not acceptable and that we expect serious improvements.

17. (S) There is also the question of how to deal with Nigeria at the G-8 meeting in Germany in early June, about a week after the inauguration. Mission recommends that any dealings with President Yar'Adua at this event should be carefully managed to minimize his personal importance while highlighting Nigeria's quest for transparency as the key to U.S.-Nigerian relations.

18. (S) Another possibility for expressing our displeasure would be to delay any other high-level travel between Abuja and Washington until after the election tribunals and courts have decided pending challenges to the April polls. While we might modify that stance or make exceptions as required if the process drags on, the initial message would again reinforce our seriousness about support for the work of the

courts and the need to hold genuine elections.

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OTHER MESSAGES  
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¶9. (S) We must continue to meet with other political figures (including Nnamani, Atiku and Buhari) and civil society and pass them the same message as above: that election-rigging is unacceptable, that we expect improved electoral conduct in 2011, and that the work of the courts and that National Assembly is vitally important and must continue. In addition, we should urge all parties to resolve grievances using the court system and the rule of law and discourage violence.

¶10. (S) Post recommends that we continue to engage the Nigerian military at the highest levels and that we repeat the message publicly and privately that a coup is unacceptable. In specific instances where the military behaved unacceptably during the election, we should take appropriate actions as required under our human rights vetting procedures and other applicable regulations.

¶11. (S) In 2004, President Bush signed Presidential Proclamation 7750, which creates a visa ineligibility for persons engaged in or benefitting from corruption and members of their immediate families. Section 1, Part C of the proclamation makes ineligible public officials "whose interference with the judicial, electoral, or other public processes" has had serious adverse affect on the interests of the United States. Targeted use of the 7750 process and the section 212(f) grounds for visa refusal may generate positive publicity for the USG and show those Nigerians unhappy with the conduct of the election that the U.S. is "doing something". The 7750 process could allow us to hold individually accountable some of those who most egregiously interfered with the election. What would have impact here is the public reference to our ability to use the 7750 process - not the number of people who actually lose their visas. Post is compiling information about many of the elections officials at the state level as well as some of the more egregious riggers from the April process. Pursuing these

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cases - especially among working level staff - could send a strong message to the public and to Nigerian elites.

CAMPBELL